

REMARKS/ARGUMENTS

Applicant respectfully requests that the above application be reconsidered in view of the above amendments and the following remarks.

Claims 1-26 are currently pending. Claims 1, 15, 20 and 26 have been amended to specify that the virtual bundle of items are not physically bundled together, as defined in the specification on page 1, lines 16-18, and are for purchase at a physical retail establishment, as described on page 3, line 23.

Claim 26 has also been amended to use the terminology suggested by the Examiner on page 3 of the Office Action.

No new matter is introduced by the above amendments, and it is requested that they be entered.

A. Rejection of Claim 26 Under 35 U.S.C. 101

Claim 26 has been rejected under 35 U.S.C. 101 for failing to recite in the preamble a computer program that is embodied on a computer-readable medium.

In response thereto, Claim 26 has been amended as suggested by the Examiner on page 3 of the Office Action.

Accordingly, reconsideration and withdrawal of this rejection is requested.

B. Rejection of Claims 1-5, 7-9, 20-22 and 26 under 35 U.S.C. 103(a) as being obvious over Henson (US 6,167,383) in view of Silva et al. (US 2001/0034658)

Claims 1-5, 7-9, 20-22 and 26 have been rejected under 35 U.S.C. 103(a) as obvious over Henson in view of Silva et al.

Applicant respectfully traverses this rejection.

First of all, Applicant wishes to point out that the Henson patent relates to web-based, on-line purchasing of a computer system, which is physically bundled together prior to being delivered to the consumer. In contrast, in Applicant's invention the consumer creates and purchases at a physical retail establishment a virtual bundle of items that are not physically bundled together. As noted on page 3, lines 20-24 of Applicant's specification, the present invention is designed to remove the excessive expense of conventional special pack programs (see page 1, line 21 to page 2, line 12 of the specification) by allowing consumers to create and purchase at a physical retail establishment, as distinguished from an on-line purchase via the internet, their own "virtually"

bundled products. Henson does not disclose or suggest such a method in which the consumer purchases at a physical retail establishment a virtual bundle of items that are not physically bundled together, nor a computer system as in Claims 20-25 or a computer readable medium as in Claim 26.

The Silva et al. patent relates to a web-based, on-line purchasing system that uses an executable shopping list, which is a bundle created by the affiliate and/or associated merchant (see the Abstract and paragraphs 0007, 0009, 0016 and 0020), not the consumer as in the present invention. Silva also does not disclose a method in which a consumer creates and purchases a virtual bundle of items at a physical retail establishment, as in the present invention.

In view of the above, it is submitted that the combination of Henson and Silva does not render the claimed invention obvious. Accordingly, withdrawal of the above rejection is requested.

C. Rejection of Claims 10-14 and 23-25 under 35 U.S.C. 103(a) as being obvious over Henson (US 6,167,383) in view of Silva et al. (US 2001/0034658) and further in view of Andrews (US 6,285,986)

Claims 10-14 and 23-25 have been rejected under 35 U.S.C. 103(a) as obvious over Henson in view of Silva et al., and further in view of Andrews.

Applicant respectfully traverses this rejection.

For the reasons explained above, the claimed invention would not have been obvious over Henson in view of Silva. Andrews does not disclose or suggest allowing the consumer to create and purchase at a physical retail establishment a virtual bundle of items that are not physically bundled together. Accordingly, withdrawal of the above rejection is requested.

D. Rejection of Claims 6 and 15-18 under 35 U.S.C. 103(a) as being obvious over Henson (US 6,167,383) in view of Silva et al. (US 2001/0034658) and further in view of Myr (US 2003/0220830)

Claims 6 and 15-18 have been rejected under 35 U.S.C. 103(a) as obvious over Henson in view of Silva et al., and further in view of Myr.

Applicant respectfully traverses this rejection.

For the reasons explained above, the claimed invention would not have been obvious over Henson in view of Silva. Myr does not disclose or suggest allowing the consumer to create and purchase at a physical retail establishment a virtual bundle of items that are not physically bundled together. Accordingly, withdrawal of the above rejection is requested.

E. Rejection of Claim 19 under 35 U.S.C. 103(a) as being obvious over Henson (US 6,167,383) in view of Silva et al. (US 2001/0034658) and further in view of Myr (US 2003/0220830) and Andrews (US 6,285,986)

Claim 19 has been rejected under 35 U.S.C. 103(a) as obvious over Henson in view of Silva et al., and further in view of Myr and Andrews.

Applicant respectfully traverses this rejection.

For the reasons explained above, the claimed invention would not have been obvious over Henson, Silva, Myr, and Andrews. Accordingly, withdrawal of the above rejection is requested.

F. Conclusion

It is believed that the above represents a complete response to the Examiner's rejections and places the application in condition for allowance. Reconsideration and allowance of Claims 1-26 is respectfully requested.

Applicant would appreciate a telephone call should the Examiner have any questions or comments with respect to this response.

Respectfully submitted,

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